

1 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

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3 In the Matter of:) Docket No. 2011A-EMS-0049-DHS
4) (EMS No. 3493)
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City of Yuma
dba City of Yuma Fire Department,
Applicant.

8 **PURSUANT TO** an application filed on January 26, 2010, the City of Yuma dba City of Yuma Fire
9 Department ("Applicant") requests that the Director of the Arizona Department of Health Services ("Department")
10 issue the Applicant an initial Certificate of Necessity for ground ambulance service. The Applicant proposes to
11 provide only immediate dispatch ambulance transports, and its proposed service area is limited to the boundaries of
12 the City of Yuma not limited to a specific date. The Applicant proposes to provide Advanced Life Support and
13 Basic Life Support services twenty-four hours per day, seven days per week.

14 The Department, acting through the Bureau of Emergency Medical Services and Trauma System, is the
15 agency within the State of Arizona empowered to administer a statewide system of emergency medical services,
16 which includes the certification and regulation of all levels of emergency medical technicians and the certification
17 and regulation of ambulance services in Arizona. The Department's authority to consider this application for an
18 initial Certificate of Necessity ("C.O.N.") is established under Arizona Revised Statutes ("A.R.S.") Title 36,
19 Chapter 21.1 (A.R.S. §§ 36-2201-36-2264), and Arizona Administrative Code ("A.A.C.") R9-25-901 *et seq.* and
20 A.A.C. R9-25-1101 *et seq.* Those statutes and regulations require that, before an Applicant can operate an
21 ambulance service in Arizona, it must be granted a C.O.N. by the Director of the Department.

22 **YOU ARE HEREBY NOTIFIED** that the Office of Administrative Hearings, on behalf of the
23 Department, will conduct a hearing on October 27, 2010, October 28, 2010 and October 29, 2010 at 8:00 a.m.
24 (each day) in the Office of Administrative Hearings' conference room located at 1400 West Washington, Suite
25 101, Phoenix, Arizona, 85007 to consider the following issues related to this application:

1 1. Whether public necessity requires the service or any part of the service proposed by the Applicant,
2 and if such service would be in the public's best interests, as required by A.R.S. § 36-2233(B)(2) and A.A.C. R9-
3 25-903.

4 2. Whether the Applicant is fit and proper to provide the services proposed, as required by A.R.S. § 36-
5 2233(B)(3). Fit and proper means that the Director determines that the Applicant has the expertise, integrity, fiscal
6 competence and resources to provide the proposed ambulance service in the proposed service area. A.R.S. § 36-
7 2201(19).

8 3. Whether the Applicant's proposed service area as set forth below is in the best interests of the public,
9 or if some other service area should be granted by the Director of the Department, as required by: A.R.S. § 36-
10 2232(A)(3); A.A.C. R9-25-902; and A.A.C. R9-25-903.

11 **Proposed Service Area:**

12 The corporate boundaries of the City of Yuma not limited to a specific date.

13 4. Whether the Applicant's proposed rates and charges, as set forth below, are just, reasonable, and
14 sufficient or whether other rates and charges should be granted by the Director of the Department, as required by:
15 A.R.S. § 36-2232(A)(1); A.R.S. § 36-2239; A.A.C. R9-25-902; A.A.C. R9-25-903; and A.A.C. R9-25-1101 *et seq.*

16 **Proposed rates and charges:**

17 a. Advanced Life Support (ALS) Base Rate	\$1,024.85
18 b. Basic Life Support (BLS) Base Rate	1,024.85
19 c. Mileage Rate (Per Loaded Patient Mile)	17.71
20 d. Standby Waiting Charge (per hour)	-0-
21 e. Disposable supplies, medical supplies	-No Separate Charges-
22 and medication, and oxygen related costs	

23 5. Whether the Applicant's proposed response times as set forth below meet the needs of the public, or
24 if other response times should be granted by the Director of the Department, as required by: A.R.S. § 36-
25 2232(A)(2); A.A.C. R9-25-902; A.A.C. R9-25-903; and A.A.C. R9-25-906.

Proposed response times:

1 a. Five (5) minutes on ninety (90) percent of all ambulance calls.

2 b. Ten (10) minutes on ninety-nine (99) percent of all ambulance calls.

3 6. Whether the type and level of service proposed by the Applicant is in the best interest of the public.

4 A.R.S. § 36-2201(8)(b) and (c); A.A.C. R9-25-903; and A.A.C. R9-25-901(36) and (65).

5 7. Whether the Applicant has provided or will provide the necessary information as required by: A.R.S.

6 § 36-2233; A.A.C. R9-25-902; and A.A.C. R9-25-903.

7 Details of the Applicant's request are open to the public and are contained in its application on file with
8 the Clerk of the Department, Office of Administrative Counsel and Rules, Arizona Department of Health Services,
9 1740 West Adams, Room 203, Phoenix, Arizona 85007.

10 **YOU ARE ADVISED** that the hearing will be conducted under the authority of, and in accordance with
11 A.R.S. Title 36, Chapter 21.1 and Title 41, Chapter 6, Article 10, and A.A.C. Title 9, Chapter 25, Articles 9 and 11.

12 **YOU ARE FURTHER ADVISED** that failure to appear at the scheduled hearing may result in the
13 administrative law judge dismissing the matter or otherwise deciding the case against you.

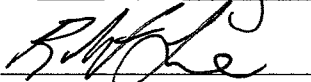
14 **THE OFFICE OF ADMINISTRATIVE HEARINGS** has appointed Thomas Shedden, Office of
15 Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007, (602) 542-9826, as
16 administrative law judge, to conduct such hearings and issue such orders, pursuant to the Office of Administrative
17 Hearings' procedural rules and the procedural rules as the administrative law judge determines are necessary to
18 properly adjudicate the above captioned matter.

19 In accordance with A.R.S. § 41-1092.08, the administrative law judge shall submit to the Director of the
20 Arizona Department of Health Services, a written recommendation, including proposed findings of fact,
21 conclusions of the law and recommended decision regarding the disposition of this matter.

22 The original of all correspondence and pleadings to be filed in the matter should be directed to the Office
23 of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, AZ 85007, with copies to all other
24 parties and to the agency at the address listed below.

1 Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by
2 contacting the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007,
3 (602) 542-9826. Requests should be made as early as possible to allow time to arrange the accommodation.

4 Dated this 16th day of August, 2010

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6 Robert Lane
7 Director's Designee
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Copies of the foregoing sent by certified mail

On: August 17, 2010

To:

Jack McArthur, Fire Chief
City of Yuma
DbA City of Yuma Fire Department
P.O. Box 13013
Yuma, AZ 85366-3013
Telephone: (928) 373-4850
FAX: (928) 373-4851

Copies of the foregoing sent by regular/interdepartmental mail

On: August 17, 2010

To:

Harry L. Eth, Health Program Manager
C.O.N. and Rates Section
ADHS/Bureau of Emergency Medical Services & Trauma System
150 N. 18th Avenue, Suite 540
Phoenix, Arizona 85007
Telephone: (602) 364-3166
FAX: (602) 364-3567

Kevin Ray, Assistant Attorney General
Office of the Attorney General
1275 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-8328
FAX: (602) 364-0700

Clerk of the Department/
Office of Administrative Counsel
Arizona Department of Health Services
1740 West Adams, Room 203
Phoenix, Arizona 85007-3248
Telephone: (602) 542-1020
FAX: (602) 364-1150

Roy Ryals, Director of EMS
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708 W. Baseline Road
Mesa, AZ 85210

Thomas Shedden
Administrative Law Judge
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